

CITY OF FULSHEAR

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Fulshear, Texas 77441

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PLANNING AND ZONING COMMISSION MINUTES JUNE 7, 2013

1. Call to Order

A Regular Meeting of the Planning and Zoning Commission was called to order on June 7, 2013 at 8:02 a.m. by Planning and Zoning Chairman, Derek Einkauf, in the Fulshear City Hall located at 30603 FM 1093 Road, Fulshear, Texas 77441.

2. Quorum

A quorum was present.

Members Present:

Bill Archer, Harold Collins, Terry Cozart, David Worley, Derek Einkauf, and Mike Lavengco.

Member Absent:

One vacancy

City Staff: D. Gordon Offord, City Secretary-absent; C. J. Snipes, City Administrator, sit in for Offord.

Others Present: Steve Tennis, Dean Kolkman, Sig Cornelius; Gerald Grissom, Geoff Freeman, John Phillips, John Crowe, Steve Littlefield, Martha Roberts, Susan LaDart, Rev. Alicia Coltzer, and Ralph Wissel.

3. Citizen's Comments

There were no Public Comments.

4. PUBLIC HEARING- SPECIAL USE PERMIT

The Planning and Zoning Commission of the City of Fulshear, Texas, has received a request from Hana Enterprise LLC to approve creating the Growler Spot would like to specifically change the use of the lease space located at 29615 FM 1093 Suite 4, from Commercial use to a Public House.

Requesting: Public House- establishment that derives 75% or more of the gross revenue for the establishment from on premise sale of alcoholic beverages, also known as a bar.

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Construction Information: They plan to do a small remodel of the interior of the lease space.
Exterior Lighting detail: There will be no changes to the exterior lighting of the building.
Landscaping detail: There will be minor changes of the landscaping at this time.
Traffic Study: We do not feel that this use will need a traffic study. There will be extended parking area to allow for at least 1 additional parking space.
Signage detail: They are requesting to be allowed to comply with the sign ordinance a wall sign on the building.

The Planning and Zoning Commission of the City of Fulshear hereby gives notice that a public hearing shall be held regarding the Special Use Permit at 29615 FM 1093 Suite 4 from Commercial Use to Public House and invites the citizens of Fulshear to comment on the request as follows:

DATE: JUNE 7, 2013

TIME: 8:00 A.M.

PLACE: FULSHEAR CITY HALL

The Public is encouraged to attend and provide comments to the Planning and Zoning Commission.

Public Hearing was opened at 8:03 a.m. Derek Einkauf, Chairman, stated the proposed Growler Spot is requesting that 29615 FM 1093 Suite 4 be changed from commercial to a Public House. He stated that Michelle, Building Inspector would give more specifics.

Michelle Morris, Building Inspector, stated that 29615 is requesting that the commercial be changed to Public House. A Public House is any establishment that has 75% or more of their sales from alcoholic use. The Special Use Permit is only being requested by Suite 4. You can vote to approve or deny—besure to specify. They are planning a small remodel and it is next door to the dance studio. They will not be doing any exterior work.

Ms. LaDart, proposed Growler Spot owner, stated there will be a growler store so there will be retail sales and a small area will be designated as a “Pub”. It will be a really nice Irish Pub. It will have a nice bar with tables, couches, and we will be adding two bathrooms. There was a short question and answer period between the PnZ Members and Ms. LaDart.

Chairman Einkauf announced the first public speaker and order will follow according to sign in sheet.

First Speaker, John Crowe, Pastor of Riverbend Baptist Church, which talked about the statistics as related to drunk driving and that Department of Transportation shows statistics regarding fatal crashes triple at ten o'clock at night- twelve's and goes on from there. Did you know that Fort Bend County is the leading county in the nation for drunk driving. We are considering putting in another establishment that will add to that. He gave a comparison study: Other cities of similar size, there are 39 of them and only 3 have bars. Fulshear has 4. We already have a lot of these establishment s in our area now. An average drunk driver have driven that way 7 or 8 times before the first arrest.

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This could possibly harm our children or community. Pastor Crowe stated a study was done in New Mexico and it showed places with bars have crime issues, assault issues, and finance issue. This is our opportunity to say "yes" or "no".

Steve Littlefield, Pastor of Simonton Community Church.....been there 17 years. Pastor Littlefield requested that the Special Use Permit for the bar be denied and that PnZ communicate with the Police Chief regarding the issues with our current bar on the number of calls they received. He stated his big concern is regarding the proposed school that will be going in. He stated he has two teenage boys that travel back and forward to Foster High School and he concerned about their safety. He stated he is continually speaking with families who have loss a love one to a drunk driver. Pastor Littlefield stated he would like to know what the process is and he understands growth is coming this way.

Martha Roberts stated she lives here and has resided in the community for 44 years. Ms. Roberts stated that she protested the first bar that came in. Ms. Roberts stated she does not mine people drinking with their meal but does not think that peanuts satisfy as a snack with alcoholic beverages. Ms. Roberts states she is concerned about kids and a lot of drivers do not pay any attention to rules and so forth and lot of them have lived out here all their lives. Ms. Roberts asked the Commission to think hard before changing the use of a building.

Rev. Alicia Coltzer asked the Commission to focus on the additional resources that will be required such as police. Rev. Coltzer expressed a concern regarding the children and praised the Commission for the job they have done in shaping the Community and stated she looks forward to more of the same.

Chairman Einkauf closed the Public Hearing at 8:17 a.m.

5. Approval of Minutes
May 3, 2013, Regular Meeting

A motion was made by Planning and Zoning Member Lavengco to approve the minutes as presented. It was seconded by Planning and Zoning Member Worley. The motion was carried by the following vote:

*Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley
Nays: None
Absent: One vacancy*

6. Consider and possible action on request from Hana Enterprise LLC regarding Special Use Permit/ Change the lease space at 29615 FM 1093 Suite 4 from Commercial use to Public House.

A motion was made by Planning and Zoning Member Archer to deny the request from Hana Enterprise LLC regarding Special Use Permit/change the lease space at 29615 FM 1093 Suite 4 from commercial use to Public House. It was seconded by Planning and Zoning Member Cozart. The motion was carried by the following vote:

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Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley
Nays: None
Absent: One vacancy

Hana Enterprise LLC was advised of their right to appeal to the City Council.

7. Consideration and possible action on Cornelius Subdivision/Final Plat

A motion was made by Planning and Zoning Member Archer to approve Cornelius Subdivision/Final Plat. It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley
Nays: None
Absent: One vacancy

Chairman Einkauf stated that items 8 and 9 would be voted at the same time if there were no objections.

8. Consideration and possible action on Churchill Farms/Section 9/Preliminary Plat

9. Consideration and possible action on Churchill Farms/Section 10/Preliminary Plat

A motion was made by Planning and Zoning Member Archer to approve items 8 and 9. It was seconded by Planning and Zoning Member Lavengco. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley
Nays: None
Absent: One vacancy

10. Consideration and possible action on Creek Cove at Cross Creek Ranch/ Section 3/ Final Plat

A motion was made by Planning and Zoning Member Archer to approve Creek Cove at Cross Creek Ranch/Section 3/ Final Plat with clerical correction. It was seconded by Planning and Zoning Member Worley. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley
Nays: None
Absent: One vacancy

11. Consideration and possible action on Creek Cove at Cross Creek Ranch/ Section 4/ Final Plat

A motion was made by Planning and Zoning Member Worley to approve Creek Cove at Cross Creek Ranch/Section 4/Final Plat subject to recommendation by City Engineer, David

Leyendecker. It was seconded by Planning and Zoning Member Lavengco. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley

Nays: None

Absent: One vacancy

12. Consideration and possible action on Cross Creek Bend Lane Extension #6 at Cross Creek Ranch/Final Plat

A motion was made by Planning and Zoning Member Lavengco to approve Cross Creek Bend Lane Extension #6 at Cross Creek Ranch/Final Plat subject to comments from City Engineer, David Leyendecker. It was seconded by Planning and Zoning Member Worley. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley

Nays: None

Absent: One vacancy

13. Consideration and possible action on Fulshear Trace Street Dedication (Fulbrook on Fulshear Creek Dedication Plat) Preliminary Plat

A motion was made by Planning and Zoning Member Archer to approve Fulshear Trace Street Dedication (Fulbrook on Fulshear Creek Dedication Plat) Preliminary Plat subject to comments from City Engineer, David Leyendecker. It was seconded by Planning and Zoning Member Collins. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley

Nays: None

Absent: One vacancy

14. Discussion: Land Plan/ Conceptual: ETJ (Extraterritorial Jurisdiction) 1351 Acres-Fulshear Parcel

An overview of the Land Plan for the 1351 acres was presented to Planning and Zoning Commission by DH Horton. There was a 20-minute question and answer period. No action was required.

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15. Adjourn

A motion was made by Planning and Zoning Member Lavengco to adjourn. It was seconded by Planning and Zoning Member Worley. The motion was carried by the following vote:

Ayes: Planning and Zoning Member Archer, Collins, Cozart, Einkauf, Lavengco, and Worley

Nays: None

Absent: One vacancy

Chairman Einkauf announced that we are adjourned at 8:48 a.m.

Derek Einkauf, Chairman of PnZ Commission

Attest:

D. Gordon Offord, City Secretary